

Appl. No. 09/767,027
Amdt. dated December 24, 2003
Reply to Office Action of October 31, 2003

Remarks/Arguments

The Applicant would like to thank the Examiner for the courtesy extended during the Interview of December 11, 2003.

The application has been corrected as requested by the Examiner.

In addition, the independent claims have been cancelled and replaced with new claims as discussed below.

The subject application is a continuation of U.S. Patent No. 6,200,289. In order to expedite the allowance of that parent patent its claims have been limited to a method and device in which a memory is provided storing profiles associated with specific surgical procedures including a flow rate and a selector is provided to select one of the profiles to control the operation of the device. To this end, claim 1 has been cancelled and replaced with new claim 24 which is identical to claim 1 in the '289 patent except that it recites the memory for the profiles and the selector used to select one of the profiles. The same change was made in claim 7 of the '289 patent to create new claim 25, that replaces claim 8 of the subject application. Similarly method claim 16 of the present application has been replaced with new claim 26 that is identical to claim 17 in '289 patent except that in the new claim 26 the operation of the device is controlled in accordance with a profile from the memory.

These profiles are discussed in the specification at page 11, starting on line 17, page 14, line 1 and other parts of the specification.

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Regarding the Drawing Corrections

The Examiner requested a correction in the drawings to show a selector as recited in the claims. In response, the specification has been amended on page 12 to clarify that a mouse or a touch screen (both identified as input devices 162 in Fig. 10) can be used as a selector for selecting or defining various operational devices including profiles, as indicated in step 300 of Fig. 11. Therefore it is respectfully submitted that no drawing correction is necessary.

Regarding Inventorship


It is respectfully submitted that the inventorship is being corrected under 37 CFR 1.48(b) and accordingly it was properly amended when the subject application was filed. The undersigned hereby acknowledges that the invention of the omitted inventors is not claimed in the present application. A check for \$130.00 is attached in accordance with 37CFR 1.17(i).

It is respectfully submitted that the subject application is patentably distinguishable over the prior art and should be allowed.

Respectfully submitted,

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By: _____


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